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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 TRUDY SOBOCIENSKI,

9 Plaintiff,

10 vs.

11 DIANA HAEKER, *et al.*,

12 Defendants.

Case No. 2:20-cv-01703-KJD-VCF

ORDER

Report and Recommendation for Dismissal

Complaint (ECF No. 5)

13 This Court previously granted pro se plaintiff Trudy Sobocienski's application to proceed *in*
14 *forma pauperis* (ECF No. 1) but dismissed her complaint (ECF No. 1-1) without prejudice (ECF No. 4).
15 The Court found that Sobocienski's complaint was not plausible on its face. (ECF No. 4 at 3). The Court
16 found that although Sobocienski's complaint is styled as a civil rights complaint she did not allege that
17 any of the defendants violated her civil rights or acted under color of law. (*Id.*) The Court also found that
18 plaintiff's allegations, that a 2016 article in the Nugget Newspaper in Alaska defamed her and cast her in
19 a false light were time-barred here in Nevada. (*Id.*)

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21 The Court ordered that plaintiff's complaint be docketed (ECF No. 5) and gave plaintiff until
22 Monday, November 30, 2020 to file an amended complaint. (ECF No. 4 at 6). The Court's order also
23 noted that, "[f]ailure to timely file an amended complaint that addresses the deficiencies noted in this
24 order may result in a recommendation for dismissal with prejudice." (*Id.*) Plaintiff has not, to date, filed
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1 an amended complaint or an objection. For all the reasons discussed in the Court's order at ECF No. 4,
2 the Court recommends that plaintiff's complaint be dismissed.

3 ACCORDINGLY,

4 IT IS RECOMMENDED that this action be DISMISSED and Judgment entered, accordingly.

5 **NOTICE**

6 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
7 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
8 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
9 may determine that an appeal has been waived due to the failure to file objections within the specified
10 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
11 objections within the specified time and (2) failure to properly address and brief the objectionable issues
12 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
13 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
14 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file
15 written notification with the court of any change of address. The notification must include proof of
16 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by
17 counsel. Failure to comply with this rule may result in dismissal of the action.

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19 IT IS SO ORDERED.

20 DATED this 1st day of December 2020.

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22 CAM FERENBACH
23 UNITED STATES MAGISTRATE JUDGE
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